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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR-20-00126-VC
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME AND
)	
v.)	[PROPOSED] ORDER
)	
RICHARD HARTMAN,)	
)	
Defendant.)	

This matter was set for an initial appearance before the Court on April 28, 2020. On March 31, 2020, the Court issued a Clerk's Notice resetting that initial appearance to May 26, 2020.

The parties together request that the time between April 28, 2020, and the next court date, but at least until May 26, 2020, be excluded from any time limits applicable under the Speedy Trial Act, 18 U.S.C. § 3161. An exclusion of time is appropriate because:

The Court may appropriately exclude time on ends-of-justice grounds. The country's public health interest in stemming the spread of COVID-19 outweighs the interest of the "public and the defendant in a speedy trial." § 31671(h)(7)(A); *see also Furlow v. United States*, 644 F.2d 764 (9th Cir. 1981) (finding no Speedy Trial Act violation where the district court granted an ends-of-justice continuance following the eruption of Mt. St. Helens).

1 A failure to grant the requested continuance would unreasonably deny defense counsel the
2 reasonable time necessary for effective preparation, taking into account the exercise of due diligence
3 because her ability to meet with the client and review discovery may be constrained by shelter-in-place
4 and quarantines. § 3161(h)(7)(B)(iv).

5 The Court may also exclude time for continuity of counsel for the same reasons. *Id.*

6 The parties agree that time should be excluded under 18 U.S.C. § 3161(h)(7)(B)(iv) through May
7 26, 2020, to allow for the effective preparation of counsel and continuity of counsel, taking into account
8 the exercise of due diligence, as defense counsel continues to investigate the case, review the evidence,
9 and consult with her client.

10
11 IT IS SO STIPULATED.

12 DATED: April 1, 2020

/s/

MOLLY A. SMOLEN
Assistant United States Attorney

13
14 DATED: April 1, 2020

/s/

ANGELA HANSEN
Assistant Federal Public Defender
Counsel for Defendant Hartman

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16
17 IT IS SO ORDERED.

18
19 DATED: April 6, 2020



HONORABLE VINCE CHHABRIA
United States District Judge